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HUMAN RIGHTS COMMITTEE
Sixty-eighth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF AFGHANISTAN (CCPR/C/57/Add.5)

Adopted by the Human Rights Committee on 4 November 1999

Constitutional and legal framework within which the Covenant is implemented, right to self-determination, states of emergency, right to participate in the conduct of public affairs, and rights of persons belonging to minorities (arts. 1, 2, 4, 25, 26 and 27)

1. What has been the impact, during the period under review, of the state of war on the exercise of the rights guaranteed under articles 1, 2, 4, 25, 26 and 27 of the Covenant?

2. Please indicate what safeguards and remedies were available to individuals during the period under review and what status was accorded to the rights enumerated in article 4, paragraph 2, of the Covenant, and why the Government of Afghanistan has not made use of the notification procedure laid down in article 4, paragraph 3, of the Covenant.

3. Please explain the legal system in force in the State party. Is there a project to revise the Constitution and if so does a draft exist? Has there been any public debate on this subject?

4. To what extent can the Afghan people take part in the conduct of public affairs, directly or through freely chosen representatives elected in genuine periodic elections by universal and equal suffrage, as guaranteed under article 25 of the Covenant?

5. What concrete measures are envisaged to eliminate the possibility of repression and discrimination based on ethnic origin, or religious or political affiliation? Please provide information on the situation of the Thajik, Hazar, Uzbeca, Pasjsheri and other minorities. Please clarify whether there are internment camps specifically for these ethnic groups. Please comment on the extrajudicial execution of members of the Hazara community after Mazar-e-Sharif was taken by the Talibans and indicate whether at that time, there were any public executions by beheading.

6. Please provide information on whether the people of Afghanistan can exercise the right to self-determination.

Right to life, liberty and security of the person, treatment of prisoners and other detainees, and right to a fair trial (arts. 6, 7, 9, 10 and 14)

7. Please comment on the impact, during the period under review, of the state of war on the enjoyment of the rights guaranteed under articles 6, 7, 9, 10 and 14 of the Covenant.

8. Please provide information in respect of human rights violations which took place at Banyan and in the central islands in April 1999 and in Kabul in May and July 1999, as well as those in Ashamali.

9. Has the death penalty been imposed during the period under review? If so, for what crimes? Which courts can impose the death penalty? Is the death penalty applied to persons below 18 years of age and is it carried out on pregnant women? Is there a right to appeal against the imposition of such a penalty and, if so, to which authorities? By what method is the death penalty applied and are executions held in public?

10. What measures have been taken to investigate cases of summary execution, disappearance, internal displacement, torture, rape and other inhuman or degrading treatment or punishment, arbitrary arrests and detention of persons by members of the army and security forces or by paramilitary and other armed groups, to bring those found responsible before the courts, and to prevent any recurrence of such acts?

11. For which offences may such punishments as amputation, stoning and flogging, all of which are contrary to article 7 of the Covenant, be imposed? Please state whether these punishments are administered in public and whether people are forced to be present, in particular the family members of those being so punished? Please explain whether Ministry of Health doctors are those entrusted with imposing these punishments.

12. Given the present situation in Afghanistan, please provide information on the functioning of the judiciary, as well as on how the functioning and independence of the judiciary are ensured.

Equality of the sexes and protection of the family and children (arts. 3, 23, 24 and 26)

13. Please provide information with regard to the responsibilities of the Ministry for the Promotion of Virtue and Prevention of Vice, as well as on its interaction with both men and women.

14. Please explain the situation in the whole of the territory of the State party with regard to equality of the sexes. Please provide information on the situation of women and the girl child in Afghan society, and in particular with regard to: their access to education; work; marriage; inheritance; religion; freedom of movement; the dress code; and the enjoyment of their civil and political rights in general. What legislation is in force with respect to the aforementioned matters? Are there any remedies or recourse available for discrimination in any of these areas?

15. Is the right to choose one's own spouse respected for both parties? Please explain how the situation of women and girls is compatible with the prohibition of slavery as guaranteed under article 8 of the Covenant?

16. What measures have been taken to protect women against rape and all forms of violence against them, as well as against forced marriages? What measures are being taken to lower the maternal mortality rate, which, according to the Special Rapporteur on the situation of human rights in Afghanistan, is the second highest in the world?

17. Please provide information on the recruitment of minors into the army or into any other security force or paramilitary or armed group.

Freedom of movement and expulsion of aliens, right to privacy, freedom of religion and expression; freedom of assembly and association (arts. 2, 12, 13, 17-22)

18. What has been the impact, during the period under review, of the state of war on the exercise of the rights guaranteed under articles 2, 12 and 17 to 22 of the Covenant?

19. Please explain how the right to liberty of movement and freedom to choose ones own residence, and the right to leave one's own country are guaranteed in general and, in particular, how they are guaranteed with respect to those Afghan nationals whose language is not Pashto.

20. What measures have been taken to ensure that the voluntary repatriation of Afghans and the return of internally displaced persons take place in safety, to protect the rights of these persons and to ensure compliance with the Covenant and international humanitarian law?